

Senate Bill No. 937

CHAPTER 204

An act to amend Section 4104.5 of the Public Contract Code, relating to public contracts.

[Approved by Governor August 12, 2002. Filed with Secretary of State August 13, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

SB 937, Margett. Public contracts: bids and disputes.

The Subletting and Subcontracting Fair Practices Act requires a public entity taking bids for construction of a public work or improvement to establish a date for submission of bids by prime contractors. Existing law applicable to local agencies requires that any bids that are submitted after the bid submittal deadline must be returned unopened to the bidder.

This bill would recast the provisions governing notice of bid submittal deadlines, and would also apply to state agencies the requirement that postdeadline bids be returned unopened.

The people of the State of California do enact as follows:

SECTION 1. Section 4104.5 of the Public Contract Code is amended to read:

4104.5. (a) The officer, department, board, or commission taking bids for construction of any public work or improvement shall specify in the bid invitation and public notice the place the bids of the prime contractors are to be received and the time by which they shall be received. The date and time shall be extended by no less than 72 hours if the officer, department, board, or commission issues any material changes, additions, or deletions to the invitation later than 72 hours prior to the bid closing. Any bids received after the time specified in the notice or any extension due to material changes shall be returned unopened.

(b) As used in this section, the term "material change" means a change with a substantial cost impact on the total bid as determined by the awarding agency.

(c) As used in this section, the term "bid invitation" shall include any documents issued to prime contractors that contain descriptions of the work to be bid or the content, form, or manner of submission of bids by bidders.

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